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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,497	03/10/2004	Hitoshi Takeda	17268-004001	5655
26211	7590	11/01/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ALEMU, EPHREM	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,497

Applicant(s)

TAKEDA ET AL.

Examiner

Ephrem Alemu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Stam et al. (US Pub. 2003/0123706).

Re claim 1, Stam discloses a vehicular lamp used for a vehicle (i.e., control system for vehicle head light), comprising:

a semiconductor light emitting element (i.e., LEDs 2600, 2700, 2800) for generating light used for the vehicular lamp (i.e., control system for vehicle head light) (Figs. 11, 20, 26-28; paragraphs [0124], [0260], [0265], [0270]-[0273]); and

a current controlling unit (i.e., microcontroller 1105) for changing a current (i.e., voltage) supplied to the semiconductor light emitting element (i.e., LEDs 2600, 2700, 2800) based on brightness around the vehicle (Figs 11, 20, 26-28; paragraphs [0124], [0129], [0135], [0187], [0228], [0242], [0272]);

wherein the current controlling unit (i.e., microcontroller 1105) reduces the current (i.e., voltage), if the brightness around the vehicle is higher than a predetermined level (Fig. 20; paragraphs [0081], [0082], [0129], [0179], [0180], [0183]); and

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wherein the current controlling unit (i.e., microcontroller 1105) reduces the current (i.e., voltage), and turns on the vehicular lamp as a positioning lamp (i.e., low beam) if the vehicle is stopped (i.e., the high beam being configured to fade OFF every time the vehicle comes to stop) (paragraphs [0124], [0176]).

Re claim 4, Stam further discloses semiconductor light emitting element (i.e., LEDs 2600, 2700, 2800) is commonly used for a headlamp (i.e., high beam) and the positioning lamp (i.e., low beam) (Figs 11, 26-28; paragraphs [0124], [0127], [0176]).

Re claim 5, Stam further discloses a plurality of the semiconductor light emitting elements (i.e., LEDs 2600, 2700, 2800) and wherein the semiconductor light emitting elements are commonly used for a headlamp (i.e., high beam) and the positioning lamp (i.e., low beam).

Re claims 6 and 7, Stam further discloses the current controlling unit turns on the vehicular lamp so that the positioning lamp (i.e., low beam) generates a weaker light than the light of the headlamp (Figs 11, 26-28; paragraphs [0124], [0127], [0176]).

Re claim 8, Stam discloses a vehicular lamp used for a vehicle (i.e., control system for vehicle head light) used for a vehicle, comprising:

a plurality of semiconductor light emitting elements (i.e., LEDs 2600, 2700, 2800) for generating light used for the vehicular lamp (i.e., control system for vehicle head light) (Figs. 11, 20, 26-28; paragraphs [0124], [0260], [0265], [0270]-[0273]); and

a headlamp (i.e., high beam) and a positioning lamp (i.e., low beam), wherein the part of the plurality of semiconductor light emitting elements is used for generating light for the headlamp (i.e., high beam) and another part of the plurality of semiconductor light emitting

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elements is used for the positioning lamp (low beam) (Figs 11, 26-28; paragraphs [0124], [0127], [0176]).

a current controlling unit (i.e., microcontroller 1105) for changing a current supplied to the semiconductor light emitting elements based on brightness around the vehicle (Figs 11, 20, 26-28; paragraphs [0124], [0129], [0135], [0187], [0228], [0242], [0272]);

wherein the current controlling unit (i.e., microcontroller 1105) selects a part of the plurality of semiconductor light emitting elements (i.e., high beam) and blocks the current flowing through the selected part of the plurality of the semiconductor light emitting elements (i.e., high beam), if the brightness around the vehicle (i.e., below state 3) is higher than a predetermined level (Figs. 20, 21; paragraphs [0124], [0176] to [[0178]).

### ***Response to Arguments***

3. Applicant's arguments filed 8-22-05 have been fully considered but they are not persuasive. In response to applicant argument Stam does not describe or suggest a positioning lamp at a lower current when the vehicle is stopped as claimed in claim 1 is respectfully disagreed. Stam discloses as described above in claim 1, the current controlling unit (i.e., microcontroller 1105) reduces the current (i.e., voltage), and turns on the vehicular lamp as a positioning lamp (i.e., low beam) if the vehicle is stopped (i.e., the high beam being configured to fade OFF every time the vehicle comes to stop) (paragraphs [0124], [0176]).

Thus, the high beam being turned OFF indicates that the vehicular lamp being operated as a position lamp (i.e., low beam) by the current controlling unit (i.e., microcontroller 1105) with a reduced current. Therefore, Stam teaches or describe the feature as claimed in claim 1.

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In response to applicant argument Stam does not describe or suggest the current controlling unit selects a part of the plurality of semiconductor light emitting elements and blocks the current flowing through the selected part of the plurality of the semiconductor light emitting elements, if the brightness around the vehicle is higher than a predetermined level is respectfully disagreed.

Stam discloses as described above in claim 8, the current controlling unit (i.e., microcontroller 1105) selects a part of the plurality of semiconductor light emitting elements (i.e., high beam) and blocks the current flowing through the selected part of the plurality of the semiconductor light emitting elements (i.e., high beam), if the brightness around the vehicle (i.e., below state 3) is higher than a predetermined level (Figs. 20, 21; paragraphs [0124], [0176] to [[0178])). Therefore, Stam teaches or describe the feature as claimed in claim 8

### ***Conclusion***

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EA  
10-24-05

  
TUYET VO  
PRIMARY EXAMINER  
10/31/05